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09/818,554	03/28/2001	Masanori Kubo	1081.1112	9445

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STAAS & HALSEY LLP  
SUITE 700  
1201 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20005

EXAMINER
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CHANKONG, DOHM

ART UNIT	PAPER NUMBER
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2152

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/818,554

Applicant(s)

KUBO, MASANORI

Examiner

Dohm Chankong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1> Applicant's amendment and remarks have been received. Claim 2 has been cancelled and claim 19 has been added. Claims 1 and 3-19 are now presented for examination.

#### *Response to Arguments*

2> Applicant's arguments with respect to claims 1 and 3-18 have been considered but are moot in view of the new ground(s) of rejection necessitated by Applicant's amendment.

#### *Claim Objections*

3> Claim 15 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 1. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

#### *Claim Rejections - 35 USC § 112*

4> The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5> Claims 3, 7 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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- a. Claim 3 is rejected for lacking proper antecedent basis: "said input password."
- b. Claim 7 is rejected because "a sequential order of when said server becomes accessible" is indefinite [A sequential order of what?].
- c. Claim 15 is rejected due to lack of proper antecedent basis : "said clients". The claim states the server is connected with a client, not a plurality of clients.

***Claim Rejections - 35 USC § 102***

6> The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7> Claims 1, 7, 14-17 and 19 are rejected under 35 U.S.C § 102(e) as being unpatentable over Yano et al, U.S Patent No. 6,088,737 ["Yano"].

8> As to claim 1, Yano discloses a service provision method for service provision from a server connected with a client via a network to a user through said client, comprising:

judging whether said server becomes accessible by comparing an access number and a submitted access number in response to an access request from said client to said server, said access number being incremented responsive to each request to said server and said

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submitted access number being incremented responsive to each completion of providing a service from the said server [Figure 2 | Figure 3 | Figure 6 | column 8 «lines 30-32» where : Yano does not explicitly disclose incrementing the access numbers. However, as is clearly seen in the figures, Yano discloses updating the total number of accesses by clients; therefore, the incrementing of these numbers is inherent to the update process];

immediately connecting said client with said server when it is judged accessible [Figure 2 «item 202» | claim 13 where : image transmission to the client represents that the client has been connected to the server];

suspending said access request and displaying information of a number of accesses to said server on said client, said information of the number of accesses directly or indirectly indicating a number of uncompleted requests according to said access number and said submitted access number, when judged inaccessible [Figure 2 «item 203» | Figure 4 | column 6 «lines 60-67» | column 8 «lines 53-67»];

displaying an updated said information of the number of accesses being updated at a fixed time interval on said client after displaying said information of the number of accesses [column 22 «lines 12-33»]; and

connecting said client whose access request is suspended with said server at a time when said server becomes accessible after displaying said information of the number of accesses [column 8 «lines 53-67» : “queue”].

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9> As to claim 7, Yano discloses a service provision method of claim 1 wherein said information of the number of accesses displayed on said client includes information that shows a sequential order of when said server becomes accessible [column 6 «lines 54-67»].

10> As to claim 14, Yano discloses a service provision method of claim 1 further comprising displaying said information of the number of accesses for said client accessing to said server upon determining that said server is inaccessible [Figure 2 «items s201, s203»].

11> As to claim 15, as it does not teach or further define over the limitations of claim 1, claim 15 is rejected for similar reasons set forth for claim 1, supra.

12> As to claim 16, Yano discloses a service provisioning method of claim 15 wherein said client obtains said updated information of the number of accesses displayed at said fixed time interval [column 8 «lines 1-42»].

13> As to claim 17, Yano discloses a service provision method of claim 15 wherein said client judges whether said server becomes accessible when said client is connected with said server [column 8 «lines 53-67» where : Yano's client is placed in a queue, the queue located on the server].

14> As to claim 19, as it does not teach or further define over the limitations of claim 1, claim 19 is rejected for similar reasons set forth for claim 1, supra.

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*Claim Rejections - 35 USC § 103*

15> The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16> Claim 3 is rejected under 35 U.S.C 103(a) as being unpatentable over Yano, in view of Wayne et al, U.S Patent No. 5,006,983 ["Wayne"].

17> As to claim 3, Yano does disclose a message notification system [column 12 «lines 56-59»] but does not explicitly disclose when said server becomes accessible at said third step, information that shows said server becomes accessible is displayed on said client before accessing to said server.

18> In the same field of invention, Wayne teaches a service provision method wherein when said server becomes accessible at said third step, information that shows said server becomes accessible is displayed on said client before accessing to said server [abstract where : Wayne discloses "indication logic for when a resource has or will become available"]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement Wayne's server availability notification method into Yano so as to be able to notify clients about the availability of a service located on the server. One would have been further motivated to perform such an implementation as Yano discloses a messaging

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system to notify clients when certain predefined events occur [see Yano, column 15 «lines 22-31»].

19> Claim 4 is rejected under 35 U.S.C 103(a) as being unpatentable over Yano, in view of MacDonald et al, U.S Patent No. 5,867,572 [“MacDonald”].

20> As to claim 4, Yano discloses a notification method but does not explicitly disclose when said server becomes accessible at said third step, a message that means said server becomes accessible is uttered by voice from said client before accessing to said server.

21> In the same field of invention, MacDonald teaches a service provision method wherein when said server becomes accessible at said third step, a message that means said server becomes accessible is uttered by voice from said client before accessing to said server [abstract]. It would have been obvious to one of ordinary skill in the art to implement MacDonald’s voice announcement method into Yano’s message notification system so the client can be audibly informed of connection events in relation to the server thereby keeping the client better informed of his situation in the queue.

22> Claim 5 is rejected under 35 U.S.C § 103(a) as being unpatentable over Yano, in view of Sundaresan et al, U.S Patent Publication 2002|0101881 [“Sundaresan”].



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23> Yano discloses a message notification method but does not explicitly disclose wherein when said server is accessible, an E-mail that indicates said server is accessible is sent to a pre-registered mail address of said user before access to said server.

24> In the same field of invention, Sundaresan discloses when said server is accessible, an E-mail that indicates said server is accessible is sent to a pre-registered mail address of said user before access to said server [0015 where : Sundaresan's service represents a server]. It would have been obvious to one of ordinary skill in the art to implement Yano's message notification system as emails, as taught by Sundaresan. One would have been motivated to perform such an implementation as to immediately notify users of when services are now available to the user [Sundaresan, 0141].

25> Claim 6 is rejected under 35 U.S.C § 103(a) as being unpatentable over Yano, in view of Lee, U.S Patent No. 4,788,715.

26> Yano discloses a method wherein said fixed time interval is varied [column 8 «lines 30-42»] but does not explicitly disclose that the interval is varied according to said number of accesses.

27> Lee teaches that the update fixed timer interval is varied according to said information of the number of accesses [Figure 6 | column 6 «lines 35-65» where : Lee discloses periodic updates]. It would have been obvious to one of ordinary skill in the art to

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implement Lee's fixed timer interval methods into Yano's update method to keep customers constantly updated of their wait in line when a customer ahead of them is taken of the queue.

28> Claim 8 is rejected under 35 U.S.C § 103(a) as being unpatentable over Yano, in view of Whitt, U.S Patent No. 6,023,681.

29> Yano discloses displaying information of the number of access on said client, but does not explicitly disclose that an estimated time of when said server becomes accessible which is obtained according to a time varied condition of said information of the number of accesses, is displayed.

30> Whitt discloses that an estimated time of when said server becomes accessible which is obtained according to a time varied condition of said information of the number of accesses, is displayed [column 2 «lines 29-44» | column 3 «lines 12-14»]. It would have been obvious to one of ordinary skill in the art to incorporate Whitt's estimated time functionality into Yano's status information that is sent to the user to give the user even more accurate information of how long he must wait before being connected to the server.

31> Claims 9 is rejected under 35 U.S.C 103(a) as being unpatentable over Yano in view of Phaal, U.S Patent No. 6,006,269.

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32> As to claim 9, Yano does not teach a service provision method requesting a password input from said user before the said server becomes accessible, and allowing access of said client to said server upon the password input, regardless of said determination whether said server becomes accessible, when authorizing that said input password is correct.

33> Phaal teaches a service provision method requesting a password input from said user before the said server becomes accessible, and allowing access of said client to said server upon the password input, regardless of said determination whether said server becomes accessible, when authorizing that said input password is correct [column 2 «line 64» to column 3 «line 4» | column 12 «lines 10-14»]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement Phaal's password input functionality into Yano to allow a client to gain immediate access to a server without having to further wait in the queue, allowing higher priority clients quicker access to the service.

34> Claims 10 and 11 are rejected under 35 U.S.C 103(a) as being unpatentable over Yano, in view of Suzuki et al, U.S Patent No. 6,470,323 ["Suzuki"].

35> As to claim 10, Yano does teach displaying said information of the number of accesses on said client [abstract] but does not teach a service provision method wherein when said provided service is for commodity sales, a number of sellable goods in stock is further displayed.

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36> Suzuki teaches a service provision method when said provided service is for commodity sales, the number of sellable goods in stock is further displayed to the client [Figures 6 and 7 | column 1 «lines 17-37】. It would have been obvious to one of ordinary skill in the art to combine Suzuki's goods notification method into Yano's method to keep the client apprised of the status of the number of goods that are available for sale while he is waiting in the queue. Furthermore, Yano's system is directed towards an information processing system realized by a client-server to handle information that constantly changes [column 1 «lines 18-22» where : the number of goods available constantly changes].

37> As to claim 11, Yano does not teach a service provision method wherein said number of sellable goods in stock becomes zero, information that shows the commodity of sales of goods is finished is displayed on said client.

38> Suzuki teaches a service provision method wherein said number of sellable goods in stock becomes zero, information that shows the commodity of sales of goods is finished is displayed on said client (Figure 7). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include Suzuki's out of stock message in Yano's queuing system to inform the client that the product he wants is no longer in stock and would not have to wait any longer thus saving the user time.

39> Claim 12 is rejected under 35 U.S.C 103(a) as being unpatentable over Yano, in view of Suzuki, in further view of MacDonald.

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40> Yano discloses messaging functionality but does not teach a service provision method wherein when said number of sellable goods in stock becomes zero, a message that indicates said commodity sales of goods is finished is uttered by voice from said client.

41> Suzuki teaches a method of notifying the client when commodity of sales of goods is finished [Figure 7] but not that the message is a voice message. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include Suzuki's goods notification functionality into Yano to notify the client when the sales of goods is completed.

42> MacDonald teaches a method of notifying a user by using a voice message [abstract]. It would have been obvious to one of ordinary skill in the art to implement MacDonald's voice announcement method into Yano and Suzuki's queuing system so the client can be informed of the status of the goods through voice [column 1 «lines 38-43»].

43> Claim 13 is rejected under 35 U.S.C 103(a) as being unpatentable over Yano, in view Suzuki in further view of Sundaresan.

44> Yano discloses messaging functionality but does not teach a service provision method wherein when said number of sellable goods in stock becomes zero, an email that indicates said commodity sales of goods is finished is sent to a preregistered mail address of said user.

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45> Suzuki teaches a method of notifying the client when commodity of sales of goods is finished [Figure 7] but not that the message is a voice message. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include Suzuki's goods notification functionality into Yano to notify the client when the sales of goods is completed.

46> Sunderesan discloses an email notification system for the immediate notification of users after a certain event [0141]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include email into Yano and Suzuki's notification method so as to allow the user to be immediately notified by email when the sale of goods has been completed.

47> Claim 18 is rejected under 35 U.S.C § 103(a) as being unpatentable over MacDonald, in view of Yano.

48> MacDonald discloses a service provision system, which includes first, second and third servers connected with a client via a network, for service provision from said third server to a user through said client, wherein :

said first server, in response to an access request from said client to said third server, immediately connects said client with said third server, when said third server becomes accessible, and connects said client to said second server, when said third server does not

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become available [Figure 1 «items 1, 8 and 3» | column 3 «lines 43-49» where : item 1 is analogous to first server, item 8 is analogous to second server and item 3 is analogous to third server];

said second server displays said information of a number of accesses of said third server on said client, when connected with client, displays the information of the number of accesses updated at a fixed time interval after that, and connects said client to said third server at the time said third server becomes accessible [column 5, lines 59-63 | column 1 «lines 27-29» | column 4 «lines 49-53» | claim 5].

MacDonald does not explicitly disclose said information of the number of accesses directly or indirectly indicates a number of uncompleted requests according to an access number and a submitted access number or where it is determined whether said third server becomes accessible by comparing the access number and the submitted access number in response to the access request from said client to said third server, said access number being incremented responsive to each request to said third server and said submitted access number being incremented responsive to each completion of providing a service from the said third server.

49> Yano discloses said information of the number of accesses directly or indirectly indicates a number of uncompleted requests according to an access number and a submitted access number [Figure 2 «item s203» | Figure 4 | column 6 «lines 60-67» | column 8 «lines 53-67»]; and

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where it is determined whether said third server becomes accessible by comparing the access number and the submitted access number in response to the access request from said client to said third server, said access number being incremented responsive to each request to said third server and said submitted access number being incremented responsive to each completion of providing a service from the said third server [Figure 2 | Figure 3 | Figure 6 | column 8 «lines 30-32» where : Yano does not explicitly disclose incrementing the access numbers. However, as is clearly seen in the figures, Yano discloses updating the total number of accesses by clients; therefore, the incrementing of these numbers is inherent to the update process].

It would have been obvious to one of ordinary skill in the art to have incorporated Yano's status information functionality into MacDonald's wait time calculations to provide more information to the client about how long he must wait. Such an implementation would enable MacDonald's system to be more informed about the amount of requests and thereby enhance MacDonald's objective of providing quality service to its customers.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S Patent No. 6.832.255 to Rumsewicz et al.



Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

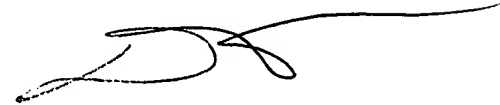
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is (571)272-3942. The examiner can normally be reached on 8:30AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571)272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DC



Dung C. Dinh  
Primary Examiner